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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,654

10/25/2005

Sylvain Chevreau

PF020104

8447

24498 7590 11/24/2009
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EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2438

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,654	Applicant(s) CHEVREAU ET AL.	
	Examiner THANHNGA B. TRUONG	Art Unit 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/18/09 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 18, 2009 has been entered. Claims 1-29 are pending. Claims 27-29 are newly added by the applicant. At this time, claims 1-6 and 19-29 are still rejected.

Response to Arguments

2. Applicant's arguments filed September 18, 2009 have been fully considered but they are some what still not persuasive.

Applicant has argued that:

.Iwamura does not disclose or suggest all of the elements of claims 1 and 19. Especially, when the claims 1 and 19 amended to read "automatically disabling the electronic device if the watchdog device identified does not correspond to the watchdog device for which it was configured or if said network does not contain a watchdog device".

Examiner respectfully disagrees with the applicant and still maintains that:

Iwamura does anticipate the limitations of claims 1 and 19. In fact, paragraph 0027 described the client security software is installed on each client computer. The user will run the client security software and log on with a password. This means the client computer is configured to run via security software and authorized via password. Furthermore, paragraph 0026 also described the server security software determines whether the client computers 11, 12, 13 are logged on to the network (in this case the LAN 19). "Logged on" as defined herein refers to the process of electronically connecting one of the components of the network (e.g., client computers or server computers) to the network or the LAN using a secure means such as an electronic key or password. In addition, the server security software also includes

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a means for sending an alarm signal to the security station 15 in the event that no acknowledge signal is received from the logged on client computers 11, 12, 13 within a prescribed timeout (or watchdog) period in response to polling. This means when unauthorized user could not respond within the period of pre-determined time or client computer unauthorized disconnected, the security station (e.g., watchdog device) will receive an alarm signal. Paragraph 0031 of Iwamura described if the local server does not receive an acknowledge signal from a logged on, polled, client computer within a prescribed timeout period or watchdog period, the server alerts the security station by sending an alarm signal which can also identify which client computer has been disconnected (Step 211), at which point security personnel become alerted to the fact that an unauthorized disconnection of a particular client computer has occurred. At this step 211, the automatic alert has already detected by the server by automatically sending an alarm signal which can also identify which client computer has been disconnected. After this step 211, then the Security personnel will then take appropriate action. Disable of an electrical device is one of the actions that the security personnel will act on based on the automatic alarm signal received from the server that client computer has already been automatically disconnected/disabled. Furthermore, paragraph 0029 mentioned a new computer added to the LAN 19 would require a security card installed as well. If advances were made to such a hardware-based security system, the cards installed on all of the computers would have to be removed and replaced with replacement cards (or other hardware) to update the system. This security card configured to store secret information that monitor/detect unauthorized disconnection of electronic equipment (e.g. client computer) from the network, Wherein the secret information is public identifier. For at least the above reasons, Iwamura does anticipate the claimed limitations for claims 1 and 19.

Iwamura does not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from

the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

For the above reasons, it is believed that the rejections should be sustained.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on August 20, 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 19, 22-23, and 27-28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iwamura (US 2002/0108058 A1).

a. *Referring to claim 1:*

i. Iwamura teaches electrical device for connection to a predetermined network containing at least one watchdog device, where said electrical device comprises:

(1) storage means (**paragraph [0029] of Iwamura**);

(2) configuration means for authorising operation of said electrical device in the presence of said watchdog device (**paragraph [0027] of Iwamura**);

(3) means for identifying at least one watchdog device when the electrical device is connected to any network containing such a watchdog device **(paragraph [0026] of Iwamura)**; and

(4) means for automatically disabling the electrical device if the watchdog device identified does not correspond to the watchdog device for which said electronic device was configured or if said network does not contain a watchdog device, wherein the configuration means are suitable for recording a public identifier of the watchdog device for which the electrical device is configured, in the storage means **(paragraph [0031] of Iwamura)**.

ii. Although Iwamura teaches the claimed subject matter, Iwamura does not clearly use the term “automatically disabling...” for client computers as shown in Figure 4. However, Iwamura implies that the automatically disabling the client computers take place at step 211 of Figure 2A, wherein the automatic alert has already detected by the server by automatically sending an alarm signal which can also identify which client computer has been disconnected. After this step 211, then the Security personnel will then take appropriate action. Disable of an electrical device is one of the actions that the security personnel will act on based on the automatic alarm signal received from the server that client computer has already been automatically disconnected/disabled.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Iwamura to clearly disclose the automatically disabling the electrical device if the watchdog device identified does not correspond to the watchdog device for which said electronic device was configured or if said network does not contain a watchdog device **(see Figure 2A and Figure 4, and paragraph [0031] of Iwamura)**.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Iwamura to clearly include the inherently step of automatically disabling the electrical device if the watchdog device identified does not correspond to the watchdog device for which said electronic device was configured or if said network does not contain a watchdog device as shown in paragraph 0031 of Iwamura.

b. Referring to claim 2:

i. Iwamura further teaches:

(1) wherein the identification means comprise means for interrogating any watchdog device to determine said electronic device public identifier **(paragraph [0027] of Iwamura).**

c. Referring to claims 3, 23:

i. Iwamura further teaches:

(1) wherein the identification means comprise means for authenticating the watchdog device for which said electronic device was configured **(paragraph [0027] of Iwamura).**

d. Referring to claim 19:

i. This claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

e. Referring to claim 22:

i. Iwamura further teaches:

(1) wherein the identifying step is triggered by one of: a start up of the second device; and a regular or random identification program **(paragraph [0027] of Iwamura).**

f. Referring to claim 27:

i. Iwamura teaches Electrical device, comprising:

(1) a memory storing identifier data associated with an authorized watchdog device **(paragraph [0029] of Iwamura);**

(2) a network interface (e.g., wireless interface) coupling said electrical device to a communications network (**paragraph [0043] of Iwamura, Figure 4, wireless interface 41**); and

(3) a processor coupled to the memory and the network interface, the processor determining whether the authorized watchdog device is connected to the communications network, and authorizing operation of said electrical device if the authorized watchdog device is connected to the communications network, wherein the processor automatically disables the electrical device if the network does not include the authorized watchdog device, or a detected watchdog device does not correspond to the authorized watchdog device (**see Figure 4 and paragraph [0026, 0029, 0031, and 0043, of Iwamura]**).

g. Referring to claim 28:

i. Iwamura further teaches:

(1) wherein the identifier corresponds to a public identifier of the authorized watchdog device (**paragraph [0027] of Iwamura**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (US 2002/0108058 A1), and further in view of Benson (US 6,047,242).

a. Referring to claims 4 and 24:

i. Although Iwamura teaches the claimed subject matter, Iwamura is silent on the capability of wherein the authentication means implement a

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zero-knowledge challenge/response protocol. On the other hand, Benson teaches this limitation in column 3, lines 20-43 of Benson.

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Iwamura with the teaching of Benson for protecting software against unauthorized use and in particular, against unauthorized copying and license violation (column 1, lines 6-8 of Benson).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Iwamura with the teaching of Benson to provide an improved ECP (electronic copy and license protection) (column 2, lines 49-50 of Benson).

Allowable Subject Matter

8. Claims 5-6, 20-21, 25-26, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached at 571-272-3787. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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/Thanhnga B. Truong/
Examiner, Art Unit 2438
TBT
November 21, 2009